



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,271	01/22/2007	Axel Feger	ARY0003	4748
832 7590 10/02/2009 BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802				
EXAMINER				
KEE, FANNIE C				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
10/02/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,271

Applicant(s)

FEGER ET AL.

Examiner

Fannie Kee

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8,10,11,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,8,10,11,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/21/09 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 8, 10, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkin et al U.S. Patent No. 5,437,650 in view of Dehar U.S. Patent No. 3,724,882.

With regard to claim 7, and as shown in Figure 5 below, Larkin et al disclose a connector for connecting to an end of a corrugated conduit, the corrugated conduit including a plurality of elevated corrugations, said connector defining perpendicular axial and radial directions and comprising:

a connecting section having a longitudinal axis;

an elongated connector portion extending from said connecting section and insertable into the end of the corrugated conduit, said connector portion having first and second ends;

a clamp (62) extending from said connecting section and spaced radially from said first end of said connector portion, said clamp including an engaging nose (64) movable into a clamping position wherein said nose fits between two of the elevated corrugations of the corrugated conduit to thereby prevent the conduit from being separated from said connector;

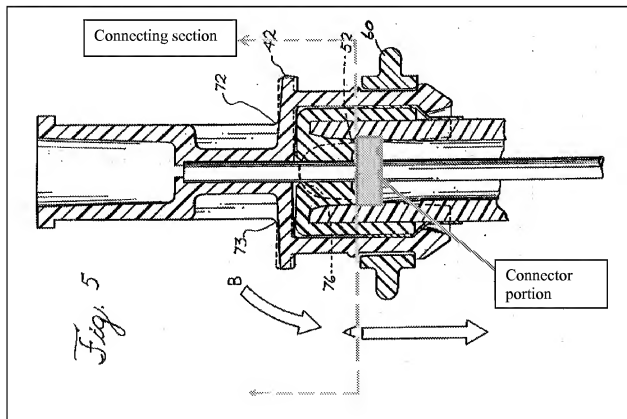
a releasing depression (see Figure 2 – sliding bushing 60 located in releasing depression) provided in said connecting section;

an arresting depression (see Figure 5 - sliding bushing 60 located in arresting depression) provided in an end of said clamp distal from said connecting section, said arresting depression located radially adjacent said engaging nose; and

a sliding bushing (60) surrounding said connecting section, said sliding bushing movable between a release position in which said sliding bushing is disposed in said releasing depression and said engaging nose is movable into said clamping position, and a locking position in which said sliding bushing is disposed in said arresting depression and said engaging nose is prevented from moving out of said clamping position.

However, Larkin et al do not disclose a conical section located proximate the first end of the connector portion including a ramp surface sloping radially outwardly in a direction of the second end. Dehar teaches that the connector portion can have a conical section with a ramp surface to facilitate the insertion of the connector portion into a conduit (column 1, lines 64-67 – column 2, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the connector portion to have a conical section including a ramp surface sloping radially outwardly in a direction of the second end to facilitate the insertion of the connector portion into a conduit as taught by Dehar.



With regard to claim 8, Larkin et al in view of Dehar disclose said connector portion further including a radially outwardly extending retaining surface adjacent said ramp surface, said retaining surface facing said second end and being directed at a greater angle relative to said longitudinal axis of said connector portion than said ramp surface (see Figures 2 and 3 of Dehar).

With regard to claim 10, Larkin et al in view of Dehar disclose the claimed invention but do not disclose an annular elastic sealing body surrounding said connector portion for sealing the corrugated conduit to said connector. Adding an annular elastic sealing body to surround the connector portion would not only seal the corrugated conduit to the connector, it would also provide additional leakage sealing for any fluids flowing through the connector itself.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added an annular elastic sealing body to surround the connector portion as the sealing body would not only seal the corrugated conduit to the connector, it would also provide additional leakage sealing for any fluids flowing through the connector itself.

With regard to claim 11, Larkin et al in view of Dehar disclose said clamp comprising two clamping brackets disposed parallel to said longitudinal axis on respective opposite sides of said connector portion, one of said brackets including said engaging nose (see Figure 5).

With regard to claim 14, Larkin et al in view of Dehar disclose said sliding bushing (6) being closely received axially between a pair of boundary sides of said arresting depression (see Figure 5).

With regard to claim 15, Larkin et al in view of Dehar disclose said clamp (62) being unitary with said connecting section.

Response to Arguments

4. Applicant's arguments with respect to claims 7, 8, 10, 11, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Gilbert and Larkin et al '733 are being cited to show other examples of a connector with a connecting section, an elongated connector portion, and a clamp with an engaging nose.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

/F. K./
Examiner, Art Unit 3679
September 29, 2009